

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIRECTV, INC.,)
)
Plaintiff)
)
v.)
)
)
WILLIAM DRISCOLL,)
)
Defendant)

Civil Action 03-12256-NG

FILED
CLERK'S OFFICE
2004 FEB 24 A 11:25
DISTRICT COURT
DISTRICT OF MASS.

ANSWER AND JURY DEMAND

COMES NOW the defendant, through counsel undersigned, and answering the plaintiff's complaint states:

1. Defendant lacks sufficient information to admit or deny the allegations of paragraphs 1-17, and therefore denies same.
2. Defendant admits the allegation of paragraph 18 that he is currently a resident of this District, but otherwise denies the allegations of said paragraph.
3. Defendant admits the allegations of paragraph 19 that he is a resident of Brockton, Massachusetts, but denies all other allegations of paragraph 19.
4. Defendant denies the allegations of paragraph 20.
5. Defendant denies the allegations of paragraphs 21 – 23.
6. Defendant admits the allegations of paragraph 24 but denies that he engaged in any conduct which gives rise to, or supports, any of the causes of action set forth in the complaint.

7. Defendant admits the allegations of paragraph 25 that this Court has subject matter jurisdiction of this controversy, but denies each and every allegation and inference that he engaged in any unlawful act or conduct which would provide the basis for any relief under the statutes enumerated in said paragraph.
8. As to paragraph 26, defendant admits that he resides in the District of Massachusetts but denies that he engaged in any unlawful act or conduct as alleged in the complaint.
9. In response to paragraph 27, defendant restates his answers to paragraphs 1 – 26.
10. Defendant denies the allegations of paragraphs 28 – 30.
11. In response to paragraph 31, defendant restates his answer to paragraphs 1 – 30.
12. Defendant denies the allegations of paragraphs 32 – 35.
13. In response to paragraph 36, defendant restates his answer to paragraphs 1 – 35.
14. Defendant denies the allegations of paragraphs 37 – 42.
15. In response to paragraph 43, defendant restates his answer to paragraphs 1 – 42.
16. Defendant denies the allegations of paragraphs 44 – 48.

First Affirmative Defense

The complaint fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Any and all claims asserted in the complaint are barred by the relevant statutes of limitations.

Third Affirmative Defense

Plaintiff's claims are barred by estoppel.

Fourth Affirmative Defense

Plaintiff's claims are barred by laches.

Fifth Affirmative Defense

Plaintiff's claims are barred by its failure and refusal to mitigate damages.

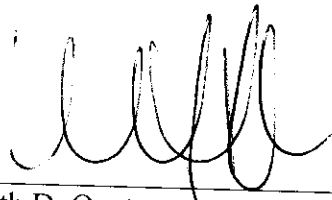
Sixth Affirmative Defense

Plaintiff lacks standing to bring the instant action.

WHEREFORE, defendant prays that this Honorable Court dismiss the complaint, award defendant attorney's fees and costs of suit pursuant to 28 U.S.C. 1927, and award defendant such additional relief as the Court shall deem just and proper.

JURY DEMAND

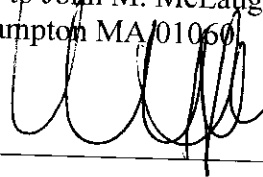
Defendant requests trial by jury on all issues and claims so triable.



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Certificate of Service

I hereby certify that a copy of the foregoing has been served on plaintiff's counsel by mailing same via first class mail, postage prepaid, to John M. McLaughlin, Esquire, McLaughlin Sacks LLC, 31 Trumbull Rd., Northampton MA 01060.



Dated: 2/23/04